IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Dana Borger et al.

Application No.: 09/922,348   Confirmation No.: 7283

Filed: August 3, 2001   Art Unit: 2452

For: SYSTEMS, METHODS AND COMPUTER   Examiner: D. Chankong
       PROGRAM PRODUCTS FOR INTEGRATING
       ADVERTISING WITHIN WEB CONTENT

APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION UNDER 37 CFR §1.705(b)

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1.   This is a request for reconsideration of the patent term adjustment of 307 days indicated in the determination of Patent Term Adjustment under 35 USC 154(b) that was attached to the Notice of Allowance mailed on June 08, 2009 for the above-referenced application. It is respectfully requested that Applicants be granted a minimum patent term adjustment of **938 days**, with an additional term to be added based on the number of days following payment of the issue fee on September 8, 2009 to the date of issuance of a patent for the above-referenced application.

2.   This request is being submitted along with the payment of the issue fee.

3.   Applicants submit herewith a "Statement Under 37 CFR§ 1.702(b)(2)".

4.   In accordance with 37 CFR§ 1.705(b)(1), please charge the fee set forth in 37 CFR

§1.18(e) ($200.00) to our Deposit Account Number 50-2228, under Order No.

026624.0224PTUS, from which the undersigned is authorized to draw.

Dated: September 8, 2009   Respectfully submitted,

                                            By *C. W.   Adams*
                                            Christopher W. Adams
                                            Registration No.: 62,550
                                            PATTON BOGGS LLP
                                            8484 Westpark Drive, 9th Floor
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                                            Attorney for Applicant

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Dana Borger et al.

Application No.: 09/922,348   Confirmation No.: 7283

Filed: August 3, 2001   Art Unit: 2452

For: SYSTEMS, METHODS AND COMPUTER   Examiner: D. Chankong
      PROGRAM PRODUCTS FOR INTEGRATING
      ADVERTISING WITHIN WEB CONTENT

STATEMENT UNDER 37 CFR § 1.702(b)(2)

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1.   This statement is respectfully submitted in support of the "Application for Patent Term

Adjustment Including Request for Reconsideration Under 37 CFR § 1.705(b)" for the above-

referenced application. In view of the following, it is respectfully requested that Applicants be

granted a minimum patent term adjustment of 938 days, with an additional term to be added

based on the number of days following payment of the issue fee on September 8, 2009 to the

date of issuance of a patent for the above-referenced application.

2.   The patent term adjustment on the Determination of Patent Term Adjustment Under 35

U.S.C. §154(b) that was attached to the Notice of Allowance is 307 days (a copy of the PTAS

Sheet is submitted herewith as Exhibit A). This determination of 307 days is in error in that

pursuant to 35 U.S.C. §154(b) the Office failed to take certain action within the time frame

specified in 37 CFR §1.702(a) and failed to issue a patent within three years of the actual filing date of the above-referenced application in accordance with 37 CFR § 1.702(b).

Pursuant to 37 CFR § 1.703(a), Applicants are entitled to a period of patent term adjustment due to the failure by the Office to mail an action under 35 U.S.C. §132 not later than 14 months after the actual filing date (i.e., by October 3, 2002) (hereinafter "14 Month Delay"). As the Office failed to mail an action under 35 U.S.C. §132 until December 20, 2004, Applicants are entitled to a period of patent term adjustment beginning on the day after the date that is 14 months after the date on which the above-referenced application was filed under 35 U.S.C. §III(a), i.e., October 4, 2002, and ending on the date of mailing of an action under 35 U.S.C. §132, i.e., December 20, 2004. Accordingly, the period of patent term adjustment due to the 14 Month Delay by the Office is 809 days, which is in agreement with the period calculated by the Office in the Patent Term Adjustment (PTA) Sheet downloaded from the US Patent and Trademark Office (USPTO) Patent Application Information (PAIR) system on September 8, 2009, (Exhibit B, line 17).

In addition to the patent term adjustment due to the 14 Month Delay, pursuant to 37 CFR § 1.703(b) Applicants are entitled to a period of patent term adjustment due to examination delay from the number of days in the period beginning on the day after the date that is three years after the date on which the above-referenced application was filed under 35 U.S.C. § 111 (a), i.e., August 4, 2004, and ending on the date a patent is issued, (hereinafter "Three Years Delay"). As the issue date has yet to be determined, Applicants have calculated a minimum period of Three Years Delay of 775 days, based on a hypothetical issue date of September 8, 2009, the projected date of payment of the issue fee.

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As set forth in 37 CFR § 1.703(f), Applicants are entitled to a period of patent term adjustment equal to the period of examination delays based on the grounds set forth in 37 CFR § 1.702 reduced by the period of time equal to the period of time during which Applicants failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR § 1.704 (hereinafter "Applicant Delay"). With respect to the above-referenced application, the total period of examination delays is the sum of the period of 14 Month Delay (809 days) and the minimum period of Three Years Delay (775 days), or 1584 days, to the extent these periods of delay are not overlapping. As the period of 14 Month Delay ended on December 20, 2004, after the first day of the period of Three Years Delay, i.e., August 4, 2004, Applicants submit that these periods are overlapping by 139 days. To calculate the period of patent term adjustment, the total period of examination delay is reduced by the period of Applicant Delay, which Applicants have calculated herein as a period of 507 days (not 502 days as set forth in the PTA Sheet (Exhibit B)), and any examination delay days which overlap.

Accordingly, Applicants submit that the correct patent term adjustment for the above referenced application is **at least 938 days**, which is the difference between the total period of examination delay (1584 days), the period of Applicant Delay (507 days), and the examination delay overlapping days (139 days). Applicants further submit that the term of 938 days should be extended by an additional term equal to the number of days following payment of the issue fee on September 8, 2009 to the date of issuance of a patent for the above-referenced application in accordance with 37 CFR §1.703(b). **As such, the correct patent term adjustment upon issuance of a patent is expected to be the sum of 938 days (as calculated herein) and the number of days from September 9, 2009 to issuance of a patent.**

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3.   The factual bases for the above adjustment are set forth as follows:

A. Examination Delays Pursuant to 37 CFR &1.702 and &1.703

Pursuant to 37 CFR § 1. 703(f), the period of adjustment of the term of the patent under §

1.702 is the sum of the periods of examination delay calculated under subparagraphs (a)-(e), to

the extent that such periods are not overlapping, less the sum of the periods calculated under §

1.704 (the period of Applicant Delay). In the above-referenced application, Applicants are

entitled to a period of examination delay equal to the sum of the periods of delay under §

1.703(a) and (b) for the reasons set forth below.

(i) "14 Month Delay" Pursuant to §1.703(a)(I)

In accordance 37 CFR § 1.703(a)(1), Applicants are entitled to a period of patent term

adjustment due to the failure by the Office to mail an action under 35 U.S.C. §132 not later than

14 months after the actual filing date (i.e., by October 3, 2002). As shown in the PTAS Sheet

(Exhibit B, line 25), the Office failed to mail an action under 35 U.S.C. § 132 (a Non-Final

Action) until December 20, 2004. As such, Applicants are entitled to a period of patent term

adjustment beginning October 4, 2002 and ending on December 20, 2004, the date of mailing of

the Restriction Requirement by the Office. Accordingly, the period of patent term adjustment

due to the 14 Month Delay by the Office is 809 days, as shown on line 25 of the PTA Sheet

(Exhibit B, line 17).

(ii) "Three Years Delay" Pursuant to 37 CFR §1.703(b)

The Office will not comply with the requirement of 35 U.S.C. §154(b) and 37 CFR

§1.702(b), which requires issuance of a patent within 3 years after the date on which the

application was filed under 35 U.S.C. §111(a). As indicated in the Notice of Allowance, a patent

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is projected to issue on December 21, 2009 (approximately 28 weeks from the mailing date of

the Notice of Allowance), but may issue earlier or later depending on the circumstances of

publication. However, even assuming arguendo that a patent is issued on the same day as the

projected date of payment of the issue fee (i.e., September 8, 2009), said issue date would be 3

years, 1864 days after the date on which the above-referenced application was filed under 35

U.S.C. §111(a). As none of the exclusionary periods set forth in 37 CFR § 1.702(b) apply to the

instant application and in accordance with 37 CFR, § 1.703, a minimum period of examination

delay is calculated to be at least 775 days, based on the hypothetical issue date of September 8,

2009. This minimum period of examination delay is to be extended by an additional term equal

to the number of days following payment of the issue fee on September 8, 2009 to the date of

issuance of a patent. Accordingly, the entire period of Three Years Delay is the sum of the

minimum period of examination delay of 775 days and the number of days from September 9,

2009 to the day of issuance of the patent.

   (iii) Total Examination Delay Pursuant to 37 CFR § 1.703(f)

   As set forth in 37 CFR §1.703(f), the period of examination delay based on the grounds

set forth in 37 CFR §1.702 is the sum of the period of 14 Month Delay (809 days) and the

minimum period of Three Years Delay (775 days), or 1584 days, to the extent these periods of

delay are not overlapping. As the period of 14 Month Delay ended on December 20, 2004, after

the first day of the period of Three Years Delay, i.e., August 4, 2004, Applicants submit that

these periods are overlapping by 139 days.

   B. "Applicant Delay" Pursuant to 37 CFR & 1. 704

Pursuant to 37 CFR § 1.704 the period of adjustment of the term of the patent due to examination delay is reduced by the period of Applicant Delay. As indicated on the PTA Sheet (Exhibit B), the Office has calculated a period of Applicant Delay of 502 days. Applicants respectfully submit that the correct period of Applicant Delay is 507 days and seek correction based on the following remarks. Copies of Applicant's Amendment After Allowance under 37 CFR §1.312 filed on August 24, 2009, and the Office's Response to the Rule 312 communication mailed on August 28, 2009 are submitted herewith as Exhibits C and D.

(i)   Applicant Delay Pursuant to 37 CFR 1.704(c)(10)

As set forth in 37 CFR 1.704(c)(10), submission of an amendment under 37 CFR § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper. Applicants respectfully submit that the Office calculation of the Applicant Delay fails to account for the filing of a Rule 312 Amendment by the Applicants on August 24, 2009 (Exhibit C), which was entered by the Examiner on August 28, 2009 (Exhibit D). In view of the preceding remarks, Applicants submit that an Applicant Delay of 5 days accrued during the period from August 24, 2009 to August 28, 2009.

(ii)   Calculation of the Total Period of the Applicant Delay

In view of the above, Applicants have calculated a total period of Applicant Delay of **507 days** which is the sum of the following Applicant Delays shown in Exhibit B: (i) the 24 day

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period from September 10, 2001 to January 03, 2002 (lines 4-6); (ii) the 92 day period from

December 20, 2004 to June 20, 2005 (lines 17-24); (iii) the 42 day period from June 20, 2005 to

August 01, 2005 (lines 25-28); (iv) the 36 day period from October 11, 2005 to February 16,

2006 (lines 32-36); (v) the 37 day period from May 12, 2006 to September 18, 2006 (lines 39-

43); (vi) the 5 day period from December 01, 2006 to March 06, 2007(lines 47-48); (vii) the 95

day period from May 30, 2007 December 03, 2007 (lines 50-53); (viii) the 79 day period from

February 11, 2008 to July 29, 2008 (lines 56-64); and (ix) the 92 day period from August 26,

2008 to February 26, 2009 (lines 68-71).And the 5 days from section B(i) above. Applicants

respectfully submit that the correct period of Applicant Delay is 507 days, not 502 days, and

request appropriate correction by the Office.

  C. Calculation of Correct Patent Term Adjustment Pursuant to 37 CFR § 1. 702(f)

  As set forth in 37 CFR §1.703(f), Applicants are entitled to a period of patent term

adjustment equal to the period of examination delays reduced by the period of Applicant Delay

and examination delay overlap days. Therefore, Applicants submit that the correct patent term

adjustment for the above-referenced application is **at least 938 days**, which is the difference

between the total period of examination delay (1584 days) and the period of Applicant Delay

(507 days) and the period of examination delay overlap days (139 days). Applicants further

submit that the term of 938 days should be extended by an additional term equal to the number of

days following payment of the issue fee on September 8, 2009 to the date of issuance of a patent

for the above-referenced application in accordance with 37 CFR §1.703(b). **As such, the correct**

patent term adjustment upon issuance of a patent is expected to be the sum of 938 days (as

calculated herein) and the number of days from September 9, 2009 to issuance of a patent.

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4.   In accordance with 37 CFR§ 1.705(b)(2)(iii), Applicants submit that the pending patent corresponding to this application will not be subject to a terminal disclaimer.

In view of the foregoing, it is respectfully requested that this Application for Patent Term Adjustment be favorably considered and that a corrected Determination of Patent Term Adjustment be issued to reflect a minimum patent term adjustment of 938 days, with an additional term to be added based on the number of days following payment of the issue fee on September 8, 2009 to the date of issuance of a patent for the above-referenced application.

Dated: September 8, 2009   Respectfully submitted,

                                            By *C. W. Adams*
                                            Christopher W. Adams
                                            Registration No.: 62,550
                                            PATTON BOGGS LLP
                                            8484 Westpark Drive, 9th Floor
                                            McLean, Virginia 22102
                                            (703) 744-8000
                                            (703) 744-8001 (Fax)
                                            Attorney for Applicant

ATTACHMENTS:

(a)   Determination of Patent Term Adjustment under 35 U.S.C. §154(b)

(b)   Patent term adjustment sheet downloaded from pair on September 08, 2009

(c)   Amendment After Allowance under 37 CFR §1.312, filed August 24, 2009

(d)   Response to Rule 312 Communication mailed August 28, 2009

3703996

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,348	08/03/2001	Dana Borger	020748.0224PTUS	7283

44124   7590   06/08/2009

PATTON BOGGS, LLP
2001 ROSS AVENUE, SUITE 3000
DALLAS, TX 75201

EXAMINER
CHANKONG, DOHM

ART UNIT	PAPER NUMBER
2452	

DATE MAILED: 06/08/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 307 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 307 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

09/922,348	SYSTEMS, METHODS AND COMPUTER PROGRAM PRODUCTS FOR INTEGRATING ADVERTISING WITHIN WEB CONTENT	09-08-2009::14:00:24

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 09/922,348

Filing or 371(c) Date:	08-03-2001	USPTO Delay (PTO) Delay (days):	809
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	502
Post-Issue Petitions (days):	+0	Total PTA (days):	307
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
06-08-2009	Mail Notice of Allowance		
06-06-2009	Document Verification		
06-06-2009	Notice of Allowance Data Verification Completed		
05-29-2009	Examiner Interview Summary Record (PTOL - 413)		
06-04-2009	Examiner's Amendment Communication		
05-29-2009	Examiner Interview Summary Record (PTOL - 413)		
02-26-2009	Applicant Has Filed a Verified Statement of Small Entity Status in Compliance with 37 CFR 1.27		
04-05-2009	Date Forwarded to Examiner		
02-26-2009	Response after Non-Final Action		92
02-26-2009	Request for Extension of Time - Granted		⇑
10-10-2008	Case Docketed to Examiner in GAU		⇑
08-26-2008	Mail Non-Final Rejection		⇑
08-23-2008	Non-Final Rejection		
08-20-2008	Date Forwarded to Examiner		
08-20-2008	Date Forwarded to Examiner		
07-29-2008	Request for Continued Examination (RCE)		79
08-20-2008	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)		⇑
08-11-2008	Mail Advisory Action (PTOL - 303)		⇑
08-06-2008	Advisory Action (PTOL-303)		⇑
08-01-2008	Date Forwarded to Examiner		⇑
07-29-2008	Amendment after Final Rejection		⇑
07-29-2008	Request for Extension of Time - Granted		⇑
07-29-2008	Workflow - Request for RCE - Begin		⇑
02-11-2008	Mail Final Rejection (PTOL - 326)		⇑
02-08-2008	Final Rejection		
12-13-2007	Date Forwarded to Examiner		
12-03-2007	Response after Non-Final Action		95
12-03-2007	Request for Extension of Time - Granted		⇑
05-30-2007	Mail Non-Final Rejection		⇑
05-24-2007	Non-Final Rejection		

49	03-20-2007	Date Forwarded to Examiner	
48	03-06-2007	Response after Non-Final Action	5
47	12-01-2006	Mail Non-Final Rejection	⬆
46	11-29-2006	Non-Final Rejection	
45	09-25-2006	Date Forwarded to Examiner	
44	09-25-2006	Date Forwarded to Examiner	
43	09-18-2006	Request for Continued Examination (RCE)	37
42	09-25-2006	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)	⬆
41	09-18-2006	Request for Extension of Time - Granted	⬆
40	09-18-2006	Workflow - Request for RCE - Begin	⬆
39	05-12-2006	Mail Final Rejection (PTOL - 326)	⬆
38	05-11-2006	Final Rejection	
37	03-07-2006	Date Forwarded to Examiner	
36	02-16-2006	Response after Non-Final Action	36
35	02-16-2006	Request for Extension of Time - Granted	⬆
34	03-07-2006	Correspondence Address Change	⬆
33	03-07-2006	Change in Power of Attorney (May Include Associate POA)	⬆
32	10-11-2005	Mail Non-Final Rejection	⬆
31	10-06-2005	Non-Final Rejection	
30	09-08-2005	Case Docketed to Examiner in GAU	
29	08-10-2005	Date Forwarded to Examiner	
28	08-01-2005	Response after Non-Final Action	42
27	07-01-2005	Mail Notice of Informal or Non-Responsive Amendment	⬆
26	06-30-2005	Date Forwarded to Examiner	⬆
25	06-20-2005	Informal or Non-Responsive Amendment after Examiner Action	⬆
24	06-20-2005	Response after Non-Final Action	92
23	06-20-2005	Request for Extension of Time - Granted	⬆
22	04-18-2005	Mail-Record Petition Decision of Granted Related to Attorney	⬆
21	03-23-2005	Petition Entered	⬆
20	04-14-2005	Paralegal Petition Decision	⬆
19	01-11-2005	Mail Miscellaneous Communication to Applicant	⬆
18	12-23-2004	Miscellaneous Communication to Applicant - No Action Count	⬆
17	12-20-2004	Mail Non-Final Rejection	809
16	12-10-2004	Non-Final Rejection	⬆
15	10-21-2004	Case Docketed to Examiner in GAU	⬆
14	09-07-2004	Case Docketed to Examiner in GAU	⬆
13	06-14-2004	IFW TSS Processing by Tech Center Complete	⬆
12	05-21-2002	Case Docketed to Examiner in GAU	⬆
11	01-03-2002	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received	⬆

10	01-03-2002	New or Additional Drawing Filed	⬆	
9	02-08-2002	Application Dispatched from OIPE	⬆	
8	02-11-2002	Application Is Now Complete	⬆	
7	01-03-2002	Additional Application Filing Fees		24
6	01-03-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	⬆	
5	02-08-2002	Pre-Exam Office Action Withdrawn	⬆	
4	09-10-2001	Notice Mailed--Application Incomplete--Filing Date Assigned	⬆	
3	09-10-2001	Correspondence Address Change		
2	08-14-2001	IFW Scan & PACR Auto Security Review		
1	08-03-2001	Initial Exam Team nn		

Close Window

EXHIBIT C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Dana Borger et al.	
Application No.: 09/922,348	Confirmation No.: 7283
Filed: August 3, 2001	Art Unit: 2452
For: SYSTEMS, METHODS AND COMPUTER PROGRAM PRODUCTS FOR INTEGRATING ADVERTISING WITHIN WEB CONTENT	Examiner: D. Chankong

AMENDMENT AFTER ALLOWANCE UNDER 37 C.F.R. 1.312

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

INTRODUCTORY COMMENTS

This Supplemental Amendment is filed pursuant to 37 C.F.R. § 1.312 to correct minor informalities in the present application. No new matter is added by this amendment.

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 16 of this paper.

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AMENDMENTS TO THE CLAIMS

1.   (Previously Presented) A computer system configured to integrate advertising
within user-requested Web content, comprising:

an advertisement server that hosts advertisements in a text-based format, the advertisement
server comprising:

means for selecting a plurality of aggregated advertisements having a format and

size compatible with the user-requested Web content when the user-requested Web

content is converted to an audio format for insertion within the user-requested Web

content in response to a request for Web content, wherein the means for selecting the

plurality of aggregated advertisements having a format and size compatible with user-

requested Web content comprises means for retrieving the plurality of aggregated

advertisements having a predetermined time length when delivered in an audio format;

a text-to-speech transcoder, comprising:

means for converting Web content from a text-based format to an audio format

content prior to streaming the audio format content to a user client device; and

means for serving Web content in an audio format to the user client device via a

telephone link with the user client device; and

a Web server that hosts Web content in a text-based format, comprising:

means, responsive to a user request via the client device for Web content, for

retrieving an advertisement from the advertisement server, in response to the subject

matter of the Web content;

means for inserting the retrieved advertisements within the user requested Web

content; and

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means for forwarding the user requested Web content and advertisement to the

text-to- speech transcoder for conversion to an audio format and subsequent delivery to

the user client device.

2.   (Canceled)

3.   (Canceled)

4.   (Canceled)

5.   (Original) The computer system of claim 1, wherein the text-based format comprises
voice extensible markup language (VXML) format.

6.   (Original) The computer system of claim 1, wherein the advertisement server further
comprises means for storing information associated with serving an advertisement to a user.

7.   (Original) The computer system of claim 1, wherein the advertisement server further
comprises means for determining if a user listened to an advertisement in its entirety.

8.   (Original) The computer system of claim 1, wherein the advertisement server further
comprises means for determining how many times a user listened to an advertisement.

9.   (Previously Presented) A computer system configured to integrate interactive
advertising within user-requested Web content, the computer system comprising:

an advertisement server that hosts advertisements in a text-based format, wherein the
advertisements are interactive when converted to an audio format comprising:

means for selecting a plurality of aggregated advertisements having a format and size
compatible with the user-requested Web content when the user-requested Web

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content is converted to an audio format for insertion within the user-requested Web content in response to a request for Web content, wherein the means for selecting the plurality of aggregated advertisements having a format and size compatible with user-requested Web content comprises means for retrieving the plurality of aggregated advertisements having a predetermined time length when delivered in an audio format;

means for storing information associated with user interaction with an advertisement;

a text-to-speech transcoder, comprising:

minor matter of form with respect to means for serving Web content in an audio format to the a user client device via a telephone link with the user client device;

means for notifying the advertisement server of user interaction with an advertisement;

means for retrieving additional information associated with the advertisement in response to user interaction with the advertisement, wherein the user interaction comprises recognizing a key pressed on a keypad or one or more key words spoken by a user during delivery of an advertisement;

means for delivering the additional information to the user client device in an audio format; and

a Web server that hosts Web content in a text-based format, comprising:

means, responsive to a user request via the client device for Web content, for retrieving an advertisement from the advertisement server in response to the subject matter of the Web content;

means for inserting the retrieved advertisement within the user requested Web content; and

means for forwarding the user requested Web content and advertisement to the text-to-speech transcoder for conversion to an audio format and subsequent delivery to the user client device.

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10. (Canceled)

11. (Previously Presented) The computer system of claim 9, wherein the text-to-speech transcoder further comprises:

means for redirecting the user client device to additional audio content associated with the advertisement in response to recognition of one or more key words spoken or pressing of a key on a keypad by the user.

12. (Original) The computer system of claim 9, wherein the means for retrieving additional information associated with an advertisement in response to user interaction with the advertisement comprises means for retrieving additional information from the advertisement server.

13. (Canceled)

14. (Canceled)

15. (Canceled)

16. (Original) The computer system of claim 9, wherein the text-based format comprises voice extensible markup language (VXML) format.

17. (Canceled)

18. (Original) The computer system of claim 9, wherein the advertisement server further comprises means for determining if a user listened to an advertisement in its entirety.

19.   (Original) The computer system of claim 9, wherein the advertisement server further comprises means for determining how many times a user listened to an advertisement.

20.   (Previously Presented) A system for integrating advertising within user-requested Web content, the system comprising:

a server accessible by a user client device via a telephone link, wherein the server performs a method comprising:

retrieving a plurality of aggregated advertisements having a format and size compatible with
    the user-requested Web content when the user-requested Web content is converted to
    an audio format-from an advertisement server in response to the subject matter of the
    Web content and in response to a user request for Web content received by a Web
    server from a client device, wherein the Web content and advertisement have a text-
    based format, wherein retrieving the plurality of aggregated advertisements having a
    format and size compatible with user-requested Web content comprises retrieving the
    plurality of aggregated advertisements having a predetermined time length when
    delivered in an audio format;

inserting the retrieved advertisement within the user requested Web content;

forwarding the user requested Web content and advertisement to a text-to-speech transcoder
    for conversion to an audio format prior to streaming the audio format content to the
    user client device;

converting the Web content and advertisement from a text-based format to an audio format;
    and

serving the Web content and advertisement in an audio format to the user client device via a
    telephone link with the user client device.

21.   (Canceled)

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22.   (Canceled)

23.   (Previously Presented) The system of claim 20, wherein the text-based format comprises voice extensible markup language (VXML) format.

24.   (Previously Presented)   The system   of claim 20, further comprising storing information associated with serving the advertisement to the user.

25.   (Previously Presented) The system of claim 20, further comprising determining if a user listened to the advertisement in its entirety.

26.   (Previously Presented) The system of claim 20, further comprising determining how many times the user listened to the advertisement.

27.   (Previously Presented) A system for ~~of~~ integrating interactive advertising within user-requested Web content, the system comprising:

a plurality of servers accessible by a user client device via a telephone link, wherein the servers perform a method comprising:

retrieving a plurality of aggregated advertisements having a format and size compatible with the user-requested Web content when the user-requested Web content is converted to an audio format from an advertisement server in response to a user request for Web content received by a Web server from a client device and in response to the subject matter of the Web content, wherein the Web content and advertisement have a text-based format, and wherein the advertisement is configured to be interactive when converted to an audio format, wherein retrieving the plurality of aggregated advertisements having a format and size compatible with user-requested Web content comprises retrieving the plurality of aggregated advertisements having a predetermined time length when delivered in an audio format;

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inserting the retrieved advertisement within the user requested Web content;

forwarding the user requested Web content and advertisement to a text-to-speech transcoder

    for conversion to an audio format prior to streaming the audio format content to the

    user client device;

converting the Web content and advertisement from a text-based format to an audio format;

serving the Web content and advertisement in an audio format to the user client device via a

    telephone link with the user client device;

storing information associated with user interaction with an advertisement;

notifying the advertisement server of user interaction with the advertisement.

    retrieving additional information associated with the advertisement in response to

    user interaction with the advertisement wherein the user interaction comprises

    recognizing a key pressed on a keypad or one or more key words spoken by a user

    during delivery of an advertisement; and

delivering the additional information to the user client device in an audio format.

28.   (Canceled)

29.   (Previously Presented) The system of claim 27, further comprising:

redirecting the user client device to additional Web content associated with the advertisement in response to recognition of one or more key words spoken or pressing of a key on a keypad by the user.

30.   (Previously Presented)   The system   of claim 27, wherein retrieving additional information associated with the advertisement in response to user interaction with the advertisement comprises retrieving additional information from the advertisement server.

31.   (Canceled)

32.   (Canceled)

33.   (Canceled)

34.   (Previously Presented)   The system   of claim 27, wherein the text-based format comprises voice extensible markup language (VXML) format.

35.   (Previously Presented)   The system   of claim 27, further comprising storing information associated with serving the advertisement to the user.

36.   (Canceled)

37.   (Previously Presented) The system of claim 27, further comprising determining if a user listened to the advertisement in its entirety.

38.   (Previously Presented) The system of claim 27, further comprising determining how many times the user listened to the advertisement.

39.   (Previously Presented)   A computer program product that integrates advertising within user-requested Web content, the computer program product comprising a computer usable storage medium having computer readable program code embodied in the medium, the computer readable program code comprising:

 computer readable program code that is configured to retrieve a plurality of aggregated advertisements having a format and size compatible with the user-requested Web content when the user-requested Web content is converted to an audio format from an advertisement server in response to a user request for Web content received by a Web server from a client device and in response to the subject matter of the Web content, wherein the Web content and advertisement have a text-based format,

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wherein the computer readable program code that is configured to retrieve the plurality of aggregated advertisements having a format and size compatible with user-requested Web content comprises computer readable program code that is configured to retrieve the plurality of aggregated advertisements having a predetermined time length when delivered in an audio format;

computer readable program code that is configured to insert the retrieved advertisement within the user requested Web content;

computer readable program code that is configured to forward the user requested Web content and advertisement to a text-to-speech transcoder for conversion to an audio format prior to streaming the audio format content to the user client device;

computer readable program code that is configured to convert the Web content and advertisement from a text-based format to an audio format; and

computer readable program code that is configured to serve the Web content and advertisement in an audio format to the user client device via a telephone link with the user client device.

40.   (Canceled)

41.   (Canceled)

42.   (Original)   The computer program product of claim 39, wherein the text-based format comprises voice extensible markup language (VXML) format.

43.   (Original)   The computer program product of claim 39, further comprising computer readable program code that is configured to store information associated with serving the advertisement to the user.

44.   (Original) The computer program product of claim 39, further comprising computer readable program code that is configured to determine if a user listened to the advertisement in its entirety.

45.   (Original) The computer program product of claim 39, further comprising computer readable program code that is configured to determine how many times the user listened to the advertisement.

46.   (Previously Presented)   A computer program product that integrates interactive advertising within user-requested Web content, the computer program product comprising a computer usable storage medium having computer readable program code embodied in the medium, the computer readable program code comprising:

      computer readable program code that is configured to retrieve a plurality of aggregated advertisements having a format and size compatible with the user-requested Web content when the Web content is converted to an audio format from an advertisement server in response to a user request for Web content received by a Web server from a client device and in response to the subject matter of the Web content, wherein the Web content and advertisement have a text-based format, and wherein the advertisement is configured to be interactive when converted to an audio format, wherein the computer program code that is configured to retrieve the plurality of aggregated advertisements having a format and size compatible with user-requested Web content comprises computer readable storage program code that is configured to retrieve the plurality of aggregated advertisements having a predetermined time length when delivered in an audio format;

      computer readable program code that is configured to insert the retrieved advertisement within the user requested Web content prior to streaming the audio format content to the user client device;

computer readable program code that is configured to forward the user requested Web content and advertisement to a text-to-speech transcoder for conversion to an audio format;

computer readable program code that is configured to convert the Web content and advertisement from a text-based format to an audio format;

computer readable program code that is configured to serve the Web content and advertisement in an audio format to the user client device via a telephone link with the user client device;

computer readable program code that is configured to store information associated with user interaction with an advertisement;

computer readable program code that is configured to notify the advertisement server of user interaction with the advertisement.

computer readable program code that is configured to retrieve additional information associated with an advertisement in response to user interaction with the advertisement, wherein the user interaction comprises recognizing a key pressed on a keypad or one or more key words spoken by a user during delivery of an advertisement; and

computer readable program code that is configured to deliver the additional information to the user client device in an audio format.

47.   (Canceled)

48.   (Previously Presented)   The computer program product of claim 46, further comprising:

computer readable program code that is configured to redirect the user client device to additional Web content associated with the advertisement in response to recognition of one or more key words spoken or pressing of a key on a keypad by the user.

49.   (Original)   The computer program product of claim 46, wherein the computer readable program code that is configured to retrieve additional information associated with the advertisement in response to user interaction with the advertisement comprises computer readable program code that is configured to retrieves additional information from the advertisement server.

50.   (Canceled)

51.   (Canceled)

52.   (Currently Amended)   The computer program product of claim 5146, wherein the text-based format comprises voice extensible markup language (VXML) format.

53.   (Original) The computer program product of claim 46, further comprising computer readable program code that is configured to store information associated with serving the advertisement to the user.

54.   (Canceled)

55.   (Original) The computer program product of claim 46, further comprising computer readable program code that is configured to determine if a user listened to the advertisement in its entirety.

56.   (Original) The computer program product of claim 46, further comprising computer readable program code that is configured to determine how many times the user listened to the advertisement.

57.   (Previously Presented) An advertising server that integrates interactive advertising within user-requested Web content , the advertising server comprising:

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means for selecting a plurality of aggregated advertisements having a format and size compatible with the user-requested Web content when the user-requested Web content is converted to an audio format for insertion within Web content, in response to the subject matter of the Web content, requested by a user via a client device in communication with a Web server, wherein the advertisement has a text-based format and is configured to be interactive when converted to an audio format, wherein the means for selecting the plurality of aggregated advertisements having a format and size compatible with the user-requested Web content comprises means for retrieving the plurality of aggregated advertisements having a predetermined time length when delivered in an audio format;

means for forwarding the selected advertisement to the Web server for insertion within the Web content requested by the user;

means for receiving notification from a text-to-speech transcoder that the selected advertisement has been delivered to the user client device in an audio format;

means for storing information associated with delivery of the advertisement to the user client device. ; and

means for storing information associated with user interaction with the advertisement.

58.   (Canceled)

59.   (Original)   The advertisement server of claim 57, further comprising means for providing additional information associated with the advertisement to the user client device in response to user interaction with the advertisement.

60.   (Canceled)

61.   (Canceled)

62.   (Original) The advertisement server of claim 57, wherein the text-based format comprises voice extensible markup language (VXML) format.

REMARKS

The Examiner's Amendment authorized on August 7, 2009 has been reviewed by the Applicants, and the Applicants have identified a minor matter of form with respect to Claim 52. Currently, Claim 52 as amended depends from canceled Claim 51. During the teleconference between the Examiner and the undersigned on August 7, 2008, the Applicants authorized an amendment for Claim 52 to depend from independent claim 46 instead of canceled claim 51

Pursuant to 37 C.F.R. § 1.312 and MPEP 714.06, Applicants submit this Amendment to correct the minor matter of form with respect to Claim 52. Claim 52 has been amended to depend from claim 46. These amendments do not add any new matter. As such, Applicants respectfully request the Examiner allow this amendment to be entered.

Applicants further respectfully request that the Examiner contact the below authorized representative to discuss any issues with the proposed amendments and any matters to maintain this application in condition for allowance.

This amendment, being filed on or before the date the issue fee is paid, is proper pursuant to 37 § C.F.R. 1.312.

In view of the above amendment, Applicants believe the pending application continues to be in condition for allowance.

3703346

Applicants believe no fee is due with this submission. If a fee is due, however, the U.S.

Patent and Trademark Office is authorized to charge any fees that may be required in conjunction

with this submission to Deposit Account Number 50-2228, under Order No. 026624.0224PTUS,

from which the undersigned is authorized to draw.

Dated: August 24, 2009   Respectfully submitted,

                                          By _____
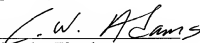   Christopher W. Adams
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EXHIBIT D

UNITED STATES PATENT AND TRADEMARK OFFICE

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09/922,348	08/03/2001	Dana Borger	020748.0224PTUS	7283

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ART UNIT	PAPER NUMBER
2452	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	**Applicant(s)**
Response to Rule 312 Communication	09/922,348	BORGER ET AL.
	Examiner	**Art Unit**
	DOHM CHANKONG	2452

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on <u>8/24/2009</u> under 37 CFR 1.312 has been considered, and has been:

   a) ☒ entered.

   b) ☐ entered as directed to matters of form not affecting the scope of the invention.

   c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

          Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1)

          and the required fee to withdraw the application from issue.

   d) ☐ disapproved. See explanation below.

   e) ☐ entered in part. See explanation below.

/Dohm Chankong/
Primary Examiner, Art Unit 2452